

SUPPORTING STATEMENT

A. Justification

1. Information to be collected and circumstances that make the collection of information necessary

On November 10, 1978, the Consumer Product Safety Authorization Act of 1978 (Pub. L. 95-631) became law. This legislation amends the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051, 1067), the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261, 1273), and the Flammable Fabrics Act (FFA, 15 U.S.C. 1191, 1202) by imposing notification requirements on all persons and firms intending to export from the United States any product that fails to comply with an applicable regulation issued under one of these acts. The person or firm must notify the Commission at least 30 days before the scheduled exportation, and the Commission must then notify the government of the country that is to receive the products.

2. Use and sharing of collected information

The Congressional intent of the export amendments was to assure that foreign countries would use the information to make informed choices about whether to permit the entry into their territories of products that are prohibited from commerce in this country.

Based on a review of the proposed information collection activities, staff has found the Privacy Act does not apply because no electronic information system or records subject to the Privacy Act will be created.

3. Use of information technology (IT) in information collection

No specific format is required for submitting the notification. Consequently, each exporter may use whatever automated, electronic, mechanical, or other form of information technology they prefer to notify the Commission.

4. Efforts to identify duplication

The rules in 16 C.F.R. 1019 were published as a proposal with opportunity for submission of written comments. Of the 22 comments received, none identified any other source of the information required to be submitted by the regulations in Part 1019. There is no similar information available since the information is developed only when a person or firm decides to export a non-complying product.

5. Impact on small businesses

The notification requirement may affect small organizations. However, no more information is requested than is necessary to satisfy the statutory requirements for notification.

6. Consequences to Federal program or policy activities if collection is not conducted or is conducted less frequently

Any reduction in the notification burden would result in the failure to comply with the appropriate statute and reduce CPSC's ability to notify the government of the country that is to receive the exported products. Foreign countries would be unable to make informed choices about whether to permit the entry into their territories of products that are prohibited from commerce in this country.

7. Special circumstances requiring respondents to report information more often than quarterly or to prepare responses in fewer than 30 days

The person or firm must notify the Commission at least 30 days before the scheduled exportation, therefore, frequency of reporting depends on a firm's or person's individual exportation plans.

8. Agency's Federal Register Notice and related information

The first FR notice announcing CPSC's intent to request an extension of approval of information collection requirements was published on February 12, 2007. No comments were received.

9. Decision to provide payment or gift

Not applicable.

10. Assurance of confidentiality

If an exporter believes any of the information submitted should be considered trade secret or privileged or confidential commercial or financial information, the exporter must request confidential treatment, in writing, at the time the information is submitted or must indicate that a request will be made within 10 working days. The Commission's regulations under the Freedom of Information Act, 16 C.F.R. 1015, govern treatment of information submitted to the Commission.

11. Questions of a sensitive nature

There are no questions of a sensitive nature involved in a notification of intent to export non-complying products.

12. Estimate of hour burden to respondents

Based on a review of the number of export requests during the last three years, the Commission staff estimates that approximately 75 notifications will be received from an estimated 35 firms per year. The staff further estimates that the average time for each response is one hour, for a total of 75 hours of annual burden. The annualized cost to respondents would be \$3,400 based on 75 hours at \$44.82/hour (based on total compensation of all civilian workers in management and professional positions in the U.S., July 2006, Bureau of Labor Statistics).

13. *Estimate of total annual cost burden to respondents*

Not applicable, see 12 above.

14. *Estimate of annualized costs to the Federal government*

The Commission staff estimates that it takes about three hours to process an export notification and enter the information in the appropriate database. The receipt and processing of 75 notifications would require approximately 225 staff hours or approximately 1.3 staff month per year, or \$10,000.

15. *Program changes or adjustments*

A review of the average number of export requests in the last three years indicated an increase in the total number of requests from 55 to 75. This increased the industry record keeping burden by 20 hours per year.

16. *Plans for tabulation and publication*

The Commission has no plans to publish this information. Because CPSC does not plan to disseminate the data collected, the requirements of the OMB and the CPSC Information Quality Guidelines do not apply.

17. *Rationale for not displaying the expiration date for OMB approval*

Not applicable.

18. *Exception to the certification statement*

Not applicable.

B. Statistical Methods – Collection of information will not employ statistical methods.